

After reviewing the record and considering the arguments of the parties the Appeals Board finds:

(1) The issues raised by respondent are ones subject to review on appeal from a preliminary order. K.S.A. 44-534a.

(2) The Appeals Board finds that the evidence does establish claimant gave timely notice.

Claimant worked for respondent Boeing on an assignment at Edwards Air Force Base in California. Her duties included filing, computer work, typing, manual logging in and hand writing of data. She began experiencing symptoms in October 1993, including tingling and numbness in her hands and arms and difficulty sleeping. She continued with these same duties after the onset of symptoms and the symptoms became worse. Claimant underwent surgery for carpal tunnel syndrome on the right in April 1994 and on the left in June of 1994. Claimant continued to perform her regular duties until April 4, 1994. She testified she notified her supervisors when she went to the doctor. She also testified she notified her supervisor, Debra Brady, before her first surgery and that they assumed her condition was work related. In accordance with Berry v. Boeing Military Airplanes, 20 Kan. App. 2d 220, 885 P.2d 1261 (1994), date of accident would be April 3, 1994 and claimant's testimony indicates that she gave notice before that date.

(3) The Appeals Board finds claimant made timely written claim.

Claimant testified that after notifying her employer of her injuries, she was provided a set of documents to be completed. Claimant completed these documents and testified she then submitted them to her employer. Claimant also testified that she was subsequently provided additional documents which she also completed. According to claimant the written materials she completed were intended, by her, as a claim for compensation. Although the record gives some indication that the forms may have been related to health insurance and other disability benefits, claimant's testimony regarding her intention remains, at this point, uncontroverted. The forms were submitted to respondent within the time permitted for timely written claim as set forth in K.S.A. 44-520a. Accordingly, the Appeals Board affirms the decision of the Administrative Law Judge finding claimant did give timely written claim.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Orders of Administrative Law Judge Shannon S. Krysl dated November 2, 1995 and November 3, 1995, should be, and the same are hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of January 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: John Carmichael, Wichita, Kansas
 Fred Haag, Wichita, Kansas
 Chris McCurdy, Wichita, Kansas
 Shannon S. Krysl, Administrative Law Judge
 Philip S. Harness, Director